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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/787,376	02/26/2004	Daniel John Devine	Devine 2-2	4422
47386 7590 09/01/2009 RYAN, MASON & LEWIS, LLP 1300 POST ROAD SUITE 205 FAIRFIELD, CT 06824				
EXAMINER				
VIDWAN, JASJIT S				
ART UNIT		PAPER NUMBER		
2182				
MAIL DATE		DELIVERY MODE		
09/01/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/787,376

Applicant(s)

DEVINE, DANIEL JOHN

Examiner

JASJIT S. VIDWAN

Art Unit

2182

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 June 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 4, 5, 10, 11, 17 and 18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 4, 5, 10, 11, 17 and 18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-08)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 06/23/09 has been entered.

Response to Rule 131 Affidavit

The declaration filed on 06/23/09 under 37 CFR 1.131 has been considered and is effective to overcome Chen reference. The evidence submitted is sufficient to establish a conception of the invention prior to effective date of the Chen of January 15, 2004.

Response to Arguments

2. Applicant's arguments with respect to claim 5, 11 & 18 have been considered but are moot in view of the new ground(s) of rejection. The arguments were directed towards overcoming the prior art by filing of Rule 131 Affidavit. Since the evidence submitted has overcome the Chen reference, previous rejection has been withdrawn. However, further upon review new ground(s) of rejection have been made as cited below.

3. Examiner respectfully would like to suggest the Applicant include specific limitations regarding the process and the extent of the Processor's functionality to control the communication bus in order to overcome the prior art cited.

Specification

4. The disclosure is objected to because it contains an embedded hyperlink and/or other form of browser-executable code. Page 1 of the specification even amended includes Applicant is required to

delete all the embedded hyperlink (Page 1 – (www.usb.org) & Page 3—(www.arm.com) and/or other form of browser-executable code. See MPEP § 608.01.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 4-5, 10-11, 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sartore et al, U.S. Patent No: 6,493,770 [**hereinafter Sartore**] and further in view of Adams et al, U.S. Patent No: 5,987,568 [**hereinafter Adams**].

1. **As per Claim 5, 11 and 18**, Sartore teaches an integrated controller for use in a peripheral device for controlling high speed communications [**see Fig. 2, element 71, "USB Interface"**] between a host computer [**See Fig. 2, element 52**] and at least one peripheral device [**see Fig. 2, element 54**], comprising a processor [**see Fig. 2, element 72 – "CPU"**] integrated with said controller for controlling communications on a bus using one or more communications functions [**see Col. 5, Lines 18-23**], wherein said processor performs at least one function for said peripheral device in addition to said one or more communication functions [**see Col. 5, Lines 25-35**],

2. Sartore teaches the above limitations in addition to further teaching only one controller / processor (72) to control both the USB interface and the peripheral device. Although it would be clearly inherent that the said CPU controls at least one function for said peripheral device (if not all), Sartore does not provide details on functions of the said peripheral. Adam's teaches the limitation of a single processor in a peripheral performing and controlling functions of the said peripheral device [**see Col. 4, Lines 31-45**]

3. It would be obvious to one of ordinary skill in the art to combine the teachings in order to take advantage of ensuring the peripheral functions properly as designed in addition to communicate with the host effectively. It is for this reason that one of ordinary skill in the art would have been motivated to combine the two teachings.
4. **As per Claim 4, 10 & 17**, Sartore as modified by Adam's above teaches a controller wherein said at least one peripheral device employs said processor to perform each of said functions of said at least one peripheral device [see Adam's Col. 7, Lines 46-60].

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JASJIT S. VIDWAN whose telephone number is (571)272-7936. The examiner can normally be reached on 8am - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on 571.272.6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/J. S. V./
Examiner, Art Unit 2182

/Tariq Hafiz/
Supervisory Patent Examiner, Art Unit 2182